

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RYLEE MATTHEW FLEURY,

11 Plaintiff,

v.

12 CHARLIE PLATT, *et al.*,

13 Defendants.

14 CASE NO. C24-1321-JCC

ORDER

15 This matter comes before the Court on Plaintiff's motion for reconsideration (Dkt. No.
16 28) of this Court's order (1) dismissing certain Defendants¹ from this case and (2) for Plaintiff to
17 show cause why the remaining Defendants should not be dismissed for failure to prosecute (Dkt.
18 No. 24). As to the first, such motions are generally disfavored. LCR 7(h)(1). They are only
19 appropriate based on "manifest error in the prior ruling or a showing of new facts or legal
20 authority which could not have been brought to [the Court's] attention earlier with reasonable
21 diligence." LCR 7(h)(1)-(2). Plaintiff provides neither. As to the second, the Court directed
22 Plaintiff to demonstrate why his failure to comply with Rule 4² for the remaining Defendants
23 should be excused. (*See* Dkt. No. 24 at 10.) In response, he presents the Court with

24 ¹ Gretchen Watkins, Fredrick W. Smith, FedEx Corporation, Shell USA, Inc., and Universal
25 Protection Services, LP.

26 ² An affidavit of service must be filed with the Court demonstrating service of a defendant within
90 days after the complaint is filed. Fed. R. Civ. P. 4(l), (m).

1 documentation suggesting that he attempted service of some by certified mail. (Dkt. No. 28 at
2 12–13.) This is insufficient to establish adequate service.³

3 For the foregoing reasons, Plaintiff's motion for reconsideration (Dkt. No. 28) is
4 DENIED and all claims against the remaining Defendants are DISMISSED without prejudice for
5 failure to prosecute.

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7 DATED this 7th day of March 2025.

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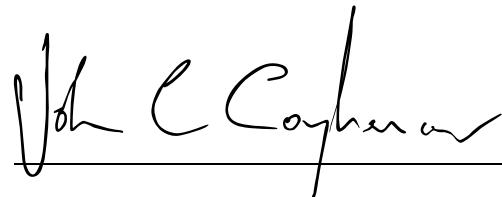
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John C. Coughenour
UNITED STATES DISTRICT JUDGE

³ Under federal law, individuals must be served (1) in accordance with state law; (2) by serving the summons and complaint to the individual personally; (3) by leaving a copy of each at the individual's dwelling or usual place of abode with a person of suitable age; or (4) by delivering a copy to an agent authorized by appointment or by law to receive service of process. Fed. R. Civ. P. 4(e)(1)–(2). Under Washington law, a defendant must be served either personally or by leaving a copy of the summons at the house of the defendant's usual abode with a person of suitable age. RCW § 4.28.080(16). Service by mail is generally not permitted. *See Saepoff v. Riehle*, 2017 WL 1426197, slip op. at 5 n.5 (W.D. Wash. 2017).